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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,919	03/23/2001	Mark L. Jenson	1327.003US1	6195

7590 11/13/2003
Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402

EXAMINER

WINTER, GENTLE E

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 11/13/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Commissioner for Patents

The Office action of paper 5 indicated that there was a one month response period for a first action on the merits. This reflects an error. Applicant has 3 months to respond, not 1 month as was indicated in the Office action summary. Any inconvenience is regretted. See MPEP 710.02(b).

Art Unit: 1741

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-56, 65-78 and 101-107, drawn to a method of fabricating a solid state energy storage device, classified in class 427, subclass 115.
 - II. Claims 57-64, 79-100, drawn to a rechargeable energy storage device, classified in class 429, subclass 162.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by materially different processes, such as by electroplating, chemical vapor deposition, physical vapor deposition, sputtering, electrospraying, etc.
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Charles Lemaire on April 29, 2003 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-56, 65-78 and 101-107. Affirmation of this election must be made by applicant in replying to this

Art Unit: 1741

Office action. Claims 57-64, 79-100 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

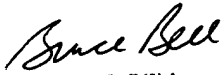
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce Bell whose telephone number is 703-308-2527. The examiner can normally be reached on Monday through Friday from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (703) 308-4333. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

BFB

May 6, 2003


BRUCE F. BELL
PRIMARY EXAMINER
GROUP 1700

Art Unit: 1741

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